



*Re*  
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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/090,775  | 03/06/2002  | Geoffrey B. Rhoads   | 220430US25CONT      | 1576             |
| 22850   | 7590        | 12/14/2004           | EXAMINER            |                  |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                      | VU, VIET DUY        |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2154                |                  |

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/090,775             | RHOADS, GEOFFREY B. |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Viet Vu                | 2154                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 August 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-83 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-83 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/16/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

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**DETAILED ACTION**

**Non-Art Rejection:**

1. Claims 12, 17-20, 29-30, 42, 47-50, 59-60 and 72-74 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Per claims 12, 42 and 72, the disclosure fails to provide reasonable teachings for the claimed distributed database.

Per claims 17-20, 47-50 and 73-74, the disclosure fails to provide any examples or definition of the claimed index.

Per claims 29-30 and 59-60, the disclosure fails to provide reasonable descriptions of a network database and any specific claimed function associated with such network database including authentication and a search engine. The disclosure merely refers to the claimed database as a "conventional database" which would be reasonably seen as local database.

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**Art Rejections:**

2. The text of 35 U.S.C. § 103(a) cited in the previous office action is hereby incorporated by reference.

3. Claims 1-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz, U.S. pat. No. 6,199,048, in view of applicant's admitted prior art.

Per claims 1-6, 10, 13-16 and 21-23, Hudetz discloses a system and method for connecting a user to a remote site over a network comprising:

- a) reading a data carrier, i.e., barcode, modulated with an index (see col 6, lines 8-60),
- b) extracting a pointer, i.e., URL or IP address, from the barcode (see col 7, lines 1-42),
- c) using the pointer to establish communication with the remote computer (see col 9, lines 17-20).

In the disclosure of the provisional application, filed 6/20/1995, Hudetz does not teach using a database for storing URLs. The use of such database is well known in the art at the time the present application was filed as admitted by applicant (see page 2, par. 6). The use of such database would enable storing within the barcode an index value instead of the actual

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pointer. This arrangement allows making changes to pointers more easily.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize such a conventional index database in Hudetz because it would have allowed making changes to network pointers more easily.

Per claims 7, Hudetz does not explicitly teach encoding the index with an audible signal.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to practice Hudetz's invention with any conventional data carriers including audible signals because it would have further enhanced the utility of Hudetz's system (see col 6, lines 61-67).

Per claims 8-9, Hudetz teaches encoding the index in other conventional formats including magnetic strips or OCR (see col 6, lines 61-67).

Per claims 11-12, 24-28 and 30, Hudetz also teaches implementing the database at a service provider, a search engine, or distributing over multiple computers (see col 7, lines 43-67).

Per claims 17-20, Hudetz further teaches that each index comprises two fields wherein only the first field may be used to

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retrieve the pointer (see col 6, lines 20-27 and col 8, lines 47-63).

Per claim 29, an official notice is taken that the use of password to access a network database is well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a conventional user authentication measure in Hudetz because it would have enabled the system to verify authorized user.

Claims 31-83 are similar in scope as that of claims 1-30 and hence are rejected for the same rationale set forth above for claims 1- 30.

**Response to Amendment:**

4. Applicant's arguments filed on 8/16/04 with respect to claims 1-83 have been fully considered but they are moot in view of new grounds of rejection set forth above.

**Conclusion:**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.



VIET D. VU  
PRIMARY EXAMINER

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12/7/04